

### **REMARKS**

This is intended as a full and complete response to the Office Action dated May 5, 2006, having a shortened statutory period for response set to expire on August 5, 2006. In view of the following amendment and discussion, the Applicant believes all claims are in allowable form.

### **CLAIMS 17-25**

Claims 17-25 have been withdrawn without prejudice. The Applicant reserves the right to file divisional applications in order to prosecute the non-elected subject matter.

### **DOUBLE PATENTING**

#### **35 U.S.C. §101                      Claims 9 and 14**

Claim 9 stands rejected under 35 U.S.C. §101 double patenting rejection as being a substantial duplicate of claim 14. In response, the Applicant has amended claim 14 to more clearly recite certain aspects of the invention. Accordingly, the Applicant respectfully requests the rejection withdrawn and claims allowed.

### **CLAIM REJECTIONS**

#### **A.      35 U.S.C. §102                      Claims 1-6, 8 and 10-11**

Claims 1-6, 8 and 10-11 stand rejected under 35 U.S.C. §102(b) as being anticipated over United States Patent No. 6,413,403 issued July 2, 2002 to *Lindquist, et al.* (hereinafter referred to as "*Lindquist*"). In response, the Applicant has amended claim 1 to more clearly recite certain aspects of the invention.

Independent claim 1 recites elements not taught or suggested by *Lindquist*. *Lindquist* teaches using a pad 330 disposed on a conductive support member 320. The pad 330 has apertures and holes 330aa formed therein to facilitate electrolyte supplying from channels 324aa in the conductive support member 320 (Figure 4). However, *Lindquist* does not teach or suggest a multi-zoned processing pad assembly having a conductive surface positioned substantially coplanar with a non-conductive processing

surface, wherein a side of a substrate disposed on an upper layer contacts the conductive and non-conductive processing surface, as recited by claim 1.

“Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)(citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)). Here, as *Lindquist* does not teach or suggest a conductive surface positioned substantially coplanar with a non-conductive processing surface, wherein a side of a substrate disposed on an upper layer contacts the conductive and non-conductive processing surface, as recited by claim 1, *Lindquist* fails to disclose each and every element of the claimed invention recited by independent claim 1, and thus, a *prima facie* case of anticipation is not established.

Thus, Applicant submits that independent claims 1 and all claims depending therefrom are patentable over *Lindquist*. Accordingly, the Applicant respectfully requests the rejection be withdrawn.

**B. 35 U.S.C. §103 Claim 7**

Claim 7 stands rejected under 35 U.S.C. §103 as being unpatentable over *Lindquist*. In response, the Applicant has amended claim 1 to more clearly recite certain aspects of the invention.

Independent claim 1, which claim 7 depends from, recites elements not taught or suggested by *Lindquist*. The teaching of *Lindquist* has been discussed above. As such, *Lindquist* does not teach or suggest a multi-zoned processing pad assembly having a conductive surface positioned substantially coplanar with a non-conductive processing surface, wherein a side of a substrate disposed on an upper layer contacts the conductive and non-conductive processing surface, as recited by claim 1. Additionally, the pad 330 as taught by *Lindquist* is fabricated from an unitary material having different holes or apertures configuration. *Lindquist* does not teach or suggest an upper layer having a first ring of permeable material, and at least a second ring of permeable material coupled to the first ring, wherein the first and second rings of permeable material have different porosity, as further recited in claim 7.

Thus, Applicant submits that claim 7, that depends from independent claim 1, is patentable over *Lindquist*. Accordingly, the Applicant respectfully requests the rejection be withdrawn.

**C. 35 U.S.C. §103**

**Claims 9, 12 and 14-16**

Claims 9, 12 and 14-16 stand rejected under 35 U.S.C. §103(a) as unpatentable over *Lindquist* in view of over United States Patent No. 6,736,952 issued May 18, 2004 to *Emesh, et al.* (hereinafter referred to as "*Emesh*"). In response, the Applicant has amended claim 1 to more clearly recite certain aspects of the invention.

Independent claim 1 recites elements not taught or suggested by the combination of *Lindquist* and *Emesh*. The teaching of *Lindquist* has been discussed above. *Emesh* teaches a lower plate configured to have different zones allowing different current to supply therefrom. However, *Emesh* fails to teach or suggest a modification to *Lindquist* that would yield a multi-zoned processing pad assembly having a conductive surface positioned substantially coplanar with a non-conductive processing surface, wherein a side of a substrate disposed on an upper layer contacts the conductive and non-conductive processing surface, as recited by claim 1. As such, a *prima facie* case of obviousness has not been established as the references fail to teach or suggest all the claimed elements.

Thus, the Applicant submits that claims 9, 12 and 14-16, that depend from claim 1, are patentable over the combination of *Lindquist* and *Emesh*. Accordingly, the Applicant respectfully requests the rejection be withdrawn.

**NEW CLAIMS**

The Applicant has added new claims 26-29. The Applicant believes that the new claims are fully supported by the specification and are patentable over the references of record. Thus, the Applicant submits that no new matter has been entered and respectfully requests allowance of these claims.

**CONCLUSION**

Thus, for at least the reasons discussed above, Applicant submits that all claims are in condition for allowance. Accordingly, the Applicant respectfully requests reconsideration of this application and its early allowance.

If the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone Mr. Keith Taboada at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Keith Taboada', is written over a horizontal line.

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